

Message Text

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ORIGIN SCS-06

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DRAFTED BY CA/SCS; RJBOYLAN;SJD
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FM SECSTATE WASHDC
TO AMEMBASSY BUCHAREST

UNCLAS STATE 026168

E.O. 11652: N/A

TAGS: CDES (MATESCU, JOHN)

SUBJECT: DISPOSITION OF EFFECTS

REF: BUCHAREST 556

1. UNDER U.S. LAW WILL IS NORMALLY PROBATED IN THE PLACE WHERE DECEDENT RESIDED AND WAS DOMICILED. ANCILLARY PROCEEDINGS ARE HELD WHEREVER DECEDENT OWNED PROPERTY AT THE TIME OF HIS DEATH. SINCE DECEDENT APPARENTLY WAS DOMICILED IN ROMANIA AT THE TIME OF HIS DEATH, WILL AND LETTER SHOULD BE TURNED OVER TO ROMANIAN COURT HAVING JURISDICTION OVER PROBATE MATTERS AND U.S. HEIRS SHOULD BE NOTIFIED OF NAME OF COURT AND PROVIDED WITH LIST OF ATTORNEYS. A CERTIFIED COPY OF THE WILL AND THE LETTER SHOULD BE SENT TO THE SURROGATE'S COURT FOR THE COUNTY IN THE U.S. IN WHICH MR. MATESCU OWNED PROPERTY, PREFERABLY THE SAME COUNTY IN WHICH THE BENEFICIARIES RESIDE.

2. DEPT IS NOT FAMILIAR WITH ADMINISTRATION OF ESTATES UNDER ROMANIAN LAW, BUT ASSUMES THAT ROMANIAN COURT WILL APPOINT AN ADMINISTRATOR. CONOFF SHOULD TURN OVER ESTATE
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ASSETS TO THE ADMINISTRATOR DULY APPOINTED BY THE LOCAL COURT. THE ADMINISTRATOR HAS THE RESPONSIBILITY OF DETERMINING AND CARRYING OUT THE DECEDENT'S WISHES CONCERNING THE DISPOSITION OF HIS PROPERTY.

3. DEPARTMENT IS AS ANXIOUS AS EMBASSY TO GIVE EFFECT TO

MR. MATESCU'S WISHES CONCERNING THE DISPOSITION OF HIS ESTATE. HOWEVER, THE DETERMINATION OF WHAT THOSE WISHES WERE IS A MATTER FOR A COURT TO DECIDE; NEITHER THE DEPARTMENT NOR THE EMBASSY HAS THE AUTHORITY TO DO SO. IF THE CONSULAR OFFICER TURNS OVER PROPERTY TO THE DECEDENT'S FRIENDS, AND A COURT SUBSEQUENTLY DETERMINES THAT THESE FRIENDS WERE NOT LEGALLY ENTITLED TO THE PROPERTY, THE CONSULAR OFFICER WOULD BE PERSONALLY LIABLE TO THE BENEFICIARIES FOR THE VALUE OF THE PROPERTY.

4. CONSEQUENTLY, EMBASSY SHOULD DO NOTHING WITH THE ESTATE ASSETS UNTIL A PROPERLY QUALIFIED ADMINISTRATOR APPEARS AND PRESENTS PROOF OF ENTITLEMENT, (I.E. A DOCUMENT INDICATING THAT HE HAS BEEN APPOINTED ADMINISTRATOR).

5. IF PROMPT APPOINTMENT OF AN ADMINISTRATOR BY THE ROMANIAN COURT IS NOT ANTICIPATED, EMBASSY MAY EITHER AUCTION GOODS IN THE APARTMENT AND HOLD THE PROCEEDS FOR THE ADMINISTRATOR, OR MOVE THE GOODS OUT OF THE APARTMENT AND CAUSE THEM TO BE STORED AT THE EXPENSE OF THE ESTATE. IF NEITHER OF THESE ALTERNATIVES IS FEASIBLE, FRIENDS MIGHT ATTEMPT TO OBTAIN RELEASES FROM ALL POTENTIAL CLAIMANTS. CONOFF COULD TURN OVER PERSONAL EFFECTS TO HOLDER OF RELEASE.

6. PLEASE CLARIFY STATUS OF CASH IN APARTMENT: IS IT UNCLASSIFIED

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SUBJECT TO THE JURISDICTION OF A ROMANIAN COURT, I.E. WILL THE LOCAL COURT DECIDE WHO IS ENTITLED TO IT? VANCE

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NNN

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